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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Morocco:* revised draft resolution

Combating defamation of religions

Reaffirming the pledge made by all States, under the Charter of the United Nations, to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to race, sex, language or religion,

Recalling the relevant international instruments on the elimination of discrimination, in particular the International Convention on the Elimination of All Forms of Racial Discrimination,[1] the International Covenant on Civil and Political Rights,[2] the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[3] the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live[4] and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[5]

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling the relevant resolutions of the Commission on Human Rights and the Human Rights Council in this regard,

* On behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference.

[1] United Nations, *Treaty Series*, vol. 660, No. 9464.

[2] See resolution 2200 A (XXI), annex.

[3] See resolution 36/55.

[4] Resolution 40/144, annex.

[5] Resolution 47/135, annex.

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Welcoming the resolve expressed in the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000[6] to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels,

Underlining, in this regard, the importance of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001[7] and the outcome document of the Durban Review Conference, held in Geneva from 20 to 24 April 2009,[8]

Expressing serious concern at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result, inter alia, of the resurgence of activities of political parties and associations established on the basis of racist, xenophobic and ideological superiority platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Deeply alarmed at the rising trends towards discrimination based on religion or belief, including in some national policies, laws and administrative measures that stigmatize groups of people belonging to certain religions and beliefs under a variety of pretexts relating to security and irregular immigration, thereby legitimizing discrimination against them and consequently impairing their enjoyment of the right to freedom of thought, conscience and religion and impeding their ability to observe, practise and manifest their religion freely and without fear of coercion, violence or reprisal, and, in this context, emphasizing the importance of article 27 of the International Covenant on Civil and Political Rights,[2]

Noting with deep concern the serious instances of intolerance, discrimination and acts of violence based on religion or belief, intimidation and coercion motivated by extremism, religious or otherwise, occurring in many parts of the world, including cases motivated by Islamophobia, Judeophobia and Christianophobia, in addition to the negative projection of certain religions in the media and the introduction and enforcement of laws and administrative measures that specifically discriminate against and target persons with certain ethnic and religious backgrounds, particularly Muslim minorities, and that threaten to impede their full enjoyment of human rights and fundamental freedoms,

Stressing that vilification of religions is a serious affront to human dignity leading to the illicit restriction of the freedom of religion of their adherents and incitement to religious hatred and violence,

Stressing also the need to effectively combat vilification of religions, and incitement to religious hatred in general,

Reaffirming that discrimination on the grounds of religion or belief constitutes a violation of human rights and a disavowal of the principles of the Charter,

Noting with concern that vilification of religions, and incitement to religious hatred in general, could lead to social disharmony and violations of human rights,

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[6] See resolution 55/2.

[7] See A/CONF.189/12 and Corr.1, chap. I.

[8] See A/CONF.211/8, chap. I.

and alarmed at the inaction of some States to combat this burgeoning trend and the resulting discriminatory practices against adherents of certain religions,

Taking note of the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submitted to the Human Rights Council at its fourth, sixth, ninth and twelfth sessions,[9] in which the Special Rapporteur highlighted the serious nature of the defamation of all religions and the need to complement legal strategies, and reiterating the call of the Special Rapporteur to all States to wage a systematic campaign against incitement to racial and religious hatred by maintaining a careful balance between the defence of secularism and respect for freedom of religion and by acknowledging and respecting the complementarity of all the freedoms embodied in internationally agreed human rights instruments, including the International Covenant on Civil and Political Rights,

Recalling the proclamation of the Global Agenda for Dialogue among Civilizations,[10] and inviting States, the organizations and bodies of the United Nations system, within existing resources, other international and regional organizations and civil society to contribute to the implementation of the Programme of Action contained in the Global Agenda,

Welcoming the efforts of the United Nations Alliance of Civilizations initiative in promoting mutual respect and understanding among different cultures and societies, including its first forum, held in Spain in 2008, its second forum, held in Turkey in 2009, its third forum, held in Brazil in 2010, and its fourth forum, to be held in Qatar in 2011,

Convinced that respect for cultural, ethnic, religious and linguistic diversity, as well as dialogue among and within civilizations, is essential for global peace and understanding, while manifestations of cultural and ethnic prejudice, religious intolerance and xenophobia generate hatred and violence among peoples and nations,

Noting the various regional and national initiatives to combat religious and racial intolerance against specific groups and communities and emphasizing, in this context, the need to adopt a comprehensive and non-discriminatory approach to ensure respect for all races and religions, as well as various regional and national initiatives,

Underlining the important role of education in the promotion of tolerance, which involves acceptance by the public of, and its respect for, diversity, including with regard to religious expression, and underlining also the fact that education should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for and freedom of religion and belief,

Welcoming, in this regard, all international and regional initiatives aimed at promoting cross-cultural and interfaith harmony, including the international dialogue on interfaith cooperation, the World Conference on Dialogue, held in Madrid from 16 to 18 July 2008, and the high-level meeting of the General Assembly on the culture of peace, held on 12 and 13 November 2008, and their valuable efforts

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[9] A/HRC/4/19, A/HRC/6/6, A/HRC/9/12 and A/HRC/12/38.

[10] See resolution 56/6.

towards the promotion of a culture of peace and dialogue at all levels, and taking note with appreciation of the programmes led by the United Nations Educational, Scientific and Cultural Organization in this regard,

Underlining the importance of increasing contacts at all levels in order to deepen dialogue and reinforce understanding among different cultures, religions, beliefs and civilizations, and in this regard taking note with appreciation of the Declaration and Programme of Action adopted by the Ministerial Meeting on Human Rights and Cultural Diversity of the Movement of Non-Aligned Countries, held in Tehran on 3 and 4 September 2007,[11]

Recognizing the importance of the intersection of religion and race and that instances can arise of multiple or aggravated forms of discrimination on the basis of religion and other grounds, such as race, colour, descent or national or ethnic origin,

Recalling its resolution 64/156 of 18 December 2009 and Human Rights Council resolution 13/16 of 15 April 2010,

1. *Takes note* of the report of the Secretary-General;[12]

2. *Expresses deep concern* at the negative stereotyping of religions and manifestations of intolerance and discrimination in matters of religion or belief still evident in the world;

3. *Strongly deplores* all acts of psychological and physical violence and assaults, and incitement thereto, against persons on the basis of their religion or belief, and such acts directed against their businesses, properties, cultural centres and places of worship, as well as the targeting and desecration of holy books, holy sites and religious symbols of all religions;

4. *Expresses deep concern* at the programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating stereotypes about certain religions, in particular when condoned by Governments;

5. *Notes with deep concern* the intensification of the overall campaign of vilification of religions, and incitement to religious hatred in general, including the ethnic and religious profiling of religious minorities;

6. *Recognizes* that, in the context of the fight against terrorism, vilification of religions, and incitement to religious hatred in general, become aggravating factors that contribute to the denial of fundamental rights and freedoms of members of target groups, as well as to their economic and social exclusion;

7. *Expresses deep concern*, in this respect, that Islam is frequently and wrongly associated with human rights violations and terrorism;

8. *Reiterates* the commitment of all States to the implementation, in an integrated manner, of the United Nations Global Counter-Terrorism Strategy, which was adopted without a vote by the General Assembly on 8 September 2006,[13] and reaffirmed by the Assembly in its resolutions 62/272 of 5 September 2008 and 64/297 of 8 September 2010, which clearly confirms, inter alia, that terrorism cannot and should not be associated with any religion, nationality, civilization or

[11] A/62/464, annex.

[12] A/65/263.

[13] Resolution 60/288.

ethnic group, stressing the need to reinforce the commitment of the international community to promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs or cultures and prevent the vilification of religions;

9. *Deplores* the use of the print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or related intolerance and discrimination against any religion, as well as the targeting and desecration of holy books, holy sites, places of worship and religious symbols of all religions;

10. *Emphasizes* that, as stipulated in international human rights law, everyone has the right to hold opinions without interference and has the right to freedom of expression, the exercise of which carries with it special duties and responsibilities and may therefore be subject to limitations as are provided for by law and are necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals;

11. *Reaffirms* that general recommendation XV (42) of the Committee on the Elimination of Racial Discrimination,[14] in which the Committee stipulated that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with freedom of opinion and expression, is equally applicable to the question of incitement to religious hatred;

12. *Takes note* of the work undertaken by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in accordance with their mandates defined by the Human Rights Council in its resolutions 7/34 and 7/36 of 28 March 2008;[15]

13. *Strongly condemns* all manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against national or ethnic, religious and linguistic minorities and migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges all States to apply and, where applicable, reinforce existing laws when such xenophobic or intolerant acts, manifestations or expressions occur in order to eradicate impunity for those who commit xenophobic and racist acts;

14. *Calls upon* all States to adopt necessary measures, including by adopting legislation, according to their international obligations, to prohibit the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and encourages States, in their follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to include aspects relating to national or ethnic, religious and linguistic minorities in their national plans of action and in this context to take forms of multiple discrimination against minorities fully into account;

15. *Invites* all States to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;[3]

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[14] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII, sect. B.

[15] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

16. *Urges* all States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from vilification of religions, and incitement to religious hatred in general;

17. *Also urges* all States to take all possible measures to promote tolerance and respect for all religions and beliefs and the understanding of their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance;

18. *Recognizes* that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

19. *Welcomes* the recent steps taken by Member States to protect freedom of religion through the enactment or strengthening of domestic frameworks and legislation to prevent the vilification of religions and the negative stereotyping of religious groups;

20. *Urges* all States to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties, respect people regardless of their different religions and beliefs and do not discriminate against persons on the grounds of their religion or belief, and that any necessary and appropriate education or training is provided;

21. *Underlines* the need to combat vilification of religions, and incitement to religious hatred in general, by strategizing and harmonizing actions at the local, national, regional and international levels through education and awareness-raising, and urges all States to ensure equal access to education for all, in law and in practice, including access to free primary education for all children, both girls and boys, and access for adults to lifelong learning and education based on respect for human rights, diversity and tolerance, without discrimination of any kind, and to refrain from any legal or other measures leading to racial segregation in access to schooling;

22. *Calls upon* all States to exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that places of worship, religious places, sites, shrines and religious symbols are fully respected and protected, and to take additional measures in cases where they are vulnerable to desecration or destruction;

23. *Calls upon* the international community to foster a global dialogue to promote a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religion and belief, and urges States, non-governmental organizations, religious leaders and bodies and the print and electronic media to support and foster such a dialogue;

24. *Affirms* that the Human Rights Council shall promote universal respect for all religious and cultural values and address instances of intolerance, discrimination and incitement of hatred against members of any community or adherents of any religion, as well as the means to consolidate international efforts in order to combat impunity for such deplorable acts;

25. *Welcomes* the statement made on 30 September 2010 by the President of the Human Rights Council on behalf of all the members of the Council condemning

the recent instances of religious intolerance, prejudice and related discrimination and violence, which continued to occur in all parts of the world;

26. *Also welcomes* the initiative of the United Nations High Commissioner for Human Rights on the expert seminar on freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, held on 2 and 3 October 2008, and requests the High Commissioner to continue to build on this initiative, with a view to concretely contributing to the prevention and elimination of all such forms of incitement and the consequences of negative stereotyping of religions or beliefs, and their adherents, on the human rights of those individuals and their communities;

27. *Takes note* of the efforts of the High Commissioner to promote and include human rights aspects in educational programmes, particularly the World Programme for Human Rights Education proclaimed by the General Assembly on 10 December 2004,[16] and calls upon the High Commissioner to continue those efforts, with particular focus on:

(a) The contributions of cultures, as well as religious and cultural diversity;

(b) Collaboration with other relevant bodies of the United Nations system and regional and international organizations in holding joint conferences designed to encourage dialogue among civilizations and promote understanding of the universality of human rights and their implementation at various levels, in particular the Office of the United Nations High Representative for the Alliance of Civilizations, the United Nations Educational, Scientific and Cultural Organization and the unit within the Secretariat mandated to interact with various entities within the United Nations system and coordinate their contribution to the intergovernmental process;

28. *Requests* the Secretary-General to submit a report on the implementation of the present resolution, including the correlation between defamation of religions and the intersection of religion and race, the upsurge in incitement, intolerance and hatred in many parts of the world and steps taken by States to combat this phenomenon, to the General Assembly at its sixty-sixth session.

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[16] See resolutions 59/113 A and B.